

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ESTATE OF JORDAN BAKER, § No. 4:15-cv-3495  
by and through §  
administrator, §  
JANET BAKER §  
§  
Plaintiff §  
§  
VS. § Hon. Judge Sim Lake  
§  
JUVENTINO CASTRO, THE §  
CITY OF HOUSTON, RPI §  
MANAGEMENT COMPANY, §  
LLC, and RPI INTERESTS §  
I, LTD §  
§  
Defendants § JURY TRIAL DEMANDED

ORAL DEPOSITION OF  
TERRY BRATTON  
JANUARY 18, 2018

ORAL DEPOSITION OF TERRY BRATTON, produced as a  
witness at the instance of the Plaintiff and duly sworn,  
was taken in the above styled and numbered cause on  
Thursday, January 18, 2018, from 10:20 a.m. to 6:59 p.m.,  
before Joanna Sagastisado, CSR in and for the State of  
Texas, reported by computerized stenotype machine, at the  
City of Houston Legal Department City Hall Annex,  
900 Bagby, 4th Floor, Houston, Texas 77002, pursuant to  
the Federal Rules of Civil Procedure and any provisions  
stated on the record herein.

1 Q. Vallery?

2 A. No.

3 Q. This is listed as an unknown subject in the  
4 report. I can pull the officer's -- I think it's the  
5 next one on your list, it's the name of the officer.

6 A. No, I wasn't there.

7 Q. Okay. The Rollerson?

8 A. No.

9 Q. Brazile?

10 A. No.

11 Q. Ramos?

12 A. Yes.

13 Q. And then there's another unknown subject, the  
14 name of the officer, I think it's --

15 A. No. I wasn't at that one.

16 Q. Okay. So you were at Ramos and Salazar-Limon  
17 and Lara. Is that right?

18 A. Yes.

19 Q. Now, is it your testimony that because of your  
20 presence at the scene -- and were you there for the  
21 walk-through on all three of those?

22 A. Yes.

23 Q. And is it your testimony that your presence at  
24 the scene during the walk-through during all three of  
25 those, in the aftermath of those instances, that you can

1 testify based upon your personal knowledge that the  
2 officers actually feared for their life or the safety of  
3 others?

4 A. Yes.

5 Q. So different than the Guidry, you're not just  
6 saying, "well, you --" you're taking it at the word of  
7 the report and the that the -- the officer's statement  
8 that they were in fear should be deemed credited because  
9 you didn't see anything that contradicted. You're  
10 saying for Salazar-Limon, Lara, and for Ramos that you  
11 can actually testify that the officers were afraid and  
12 that you believed them?

13 A. That's my opinion, yes.

14 Q. So it is your opinion that officer -- the  
15 officer involved in the Salazar-Limon shooting, quote,  
16 "had an immediate fear of serious bodily injury or  
17 death," correct?

18 A. Yes.

19 Q. But with respect to Officer Green and the  
20 Guidry case, it's -- you're crediting the officer's  
21 statement that he had an immediate fear of bodily injury  
22 or death. Is that right?

23 A. Base upon the totality of the situation, yes.

24 Q. Okay. And you're saying there's nothing to  
25 contradict that based upon the totality?

1 Q. What if they're involved in criminal activity  
2 that they're trying to cover up?

3 A. A possibility.

4 Q. Possible, so that's not something that you  
5 think is very likely?

6 A. I couldn't get in their head, so I wouldn't  
7 know.

8 Q. Okay. So tell me about the times when you can  
9 get in the officer's head and the times that you can't.

10 MS. SANDMANN: Objection.

11 A. I don't know that I can get into anybody's head  
12 per se, I can only -- based on the scenes that I'm at,  
13 see their demeanor and the flavor of the scenario and  
14 then the scenes that I'm not at, read their particular  
15 statement as it comes out through the investigation.

16 Q. (BY MR. OWENS) Okay. So are you saying that  
17 when you're at the scene, when you've had the  
18 opportunity to judge and evaluate the credibility of the  
19 officer you can then determine for yourself, yeah, this  
20 person was in actual immediate fear. Is that right?

21 A. When I see the officer is crying, shaking, that  
22 kind of stuff, yeah, I can.

23 Q. Okay. And what if it's -- an officer is not  
24 crying or shaking or doing any of that kind of stuff,  
25 what does that mean?

1           A. I don't know that it means anything other than  
2 the fact that you can just -- you've got a flavor for  
3 the scene after you do this for a while, you can just  
4 tell. Different guys have different reactions. I'll  
5 agree with that, but...

6           Q. So what I want to know is whether or not you  
7 know for sure that officer involved in the Bernard  
8 shooting actually feared for his immediate safety?

9           A. Not with 100 percent certainty.

10          Q. But you believe he did?

11          A. I do.

12          Q. So you've issued us a rebuttal report in this  
13 case with respect to Mr. Scott's expert report, correct?

14          A. Correct.

15          Q. So what I want to understand, and this is  
16 somewhat related to what we were just discussing about,  
17 is you used a phrase in your report a number of times  
18 about "the mind of the reader," what do you mean by  
19 that?

20          A. The perception I had as I read it.

21          Q. Okay. Now, you're not purporting in your  
22 reports to be in the head of Mr. Scott, right?

23          A. No.

24          Q. Do you know Mr. Scott?

25          A. No.